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REMARKS/ARGUMENTS

Claims 5 to 7, 11,12 and 16 to 29 currently are withdrawn from consideration. Claims 1 to 4, 8 to 10 and 13 to 15 presently are under examination in this application.

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as anticipated by applicant's earlier patent to Fogle No. 5,463,815 (reissued as RE36940). Claims 3,4,8 and 13 to 15 have been rejected under 35 U.S.C. §103(a) as unpatentable over Fogle 5,463,815, in view of the published application to Walsh 2002/0086156.

Before entering into a discussion of these two rejections, a brief review of the disclosures of the Fogle and Walsh references is considered to be in order. The Fogle patent discloses a variety of line configurations, all of which are disclosed as based on either circular cross-sectional core having projections or points extending outwardly therefrom, or a square cross-sectional core having projections from the corners, or from both the corners and mid-points on the sides of the underlying square. Figure 7, selected by the Examiner, is an example of the square cross-sectional line having extensions or points extending outwardly on diagonal lines from the four corners of the underlying square. This figure is described as follows:

"In Figure 7, the transverse dimension of the square 24

1 is shown as B_1 wherein the maximum transverse dimension
2 from tip-to-tip of the cutting edges is shown as B_2 , with
3 the height of the cutting edges being defined as one-half
4 of the difference between one of the sides of the square
5 24 and a circumscribing square drawn between adjacent
6 tips 26... of the cutting edges 26..."

7
8 Because this configuration is a square, the dimension B_1 shown
9 across the square horizontally in Figure 7 is the same dimension
10 which would be taken between the upper and lower horizontal
11 surfaces of the square taken along a vertical line through its
12 center. The square line configuration, and all of the other line
13 configurations shown in this patent, are symmetrical; and each 90°
14 rotation of the square of Figure 7 fully overlies and is the same
15 as the previous 90° rotation.

16 The Walsh publication is directed to an extruded plastic
17 cutter filament, and discloses the use of various plastic resins in
18 combination to provide desired operating characteristics for
19 enhanced strength and abrasion resistance. Reference is made to
20 using high or low density polyethylene resins as one of the
21 components.

22 In rejecting Claims 1 and 2 under 35 U.S.C. §102(b), the
23 Examiner has taken the position that the measurement B_1 is the
24 thickness and the measurement B_2 is the width. Alternatively,
25 since Fogle discloses a square basic configuration, the thickness
26

1 could be considered to be the dimension B_2 and the width the
2 dimension B_1 since, as stated previously, the distance between the
3 horizontal parallel surfaces, as shown in Figure 7, and the
4 distance between the vertical parallel surfaces, as shown in Figure
5 7, all are B_1 and all are the same. The tip-to-tip distance on
6 all four sides is the distance B_2 . There is no cross-sectional
7 configuration in Figure 7, or in any of the other figures of Fogle,
8 of an elongated filament member which has a cross section
9 throughout its length with a thickness which is less than the width
10 thereof, and which also has top and bottom surfaces located in
11 first and second parallel planes. The tips 26 of Fogle of all of
12 the surfaces (including the top and bottom) are located in a plane
13 other than the first and second planes. Fogle does not, however,
14 have a thickness which is less than the width. The thickness of
15 Fogle and the width of the Fogle structure are the same when the
16 same basis for measurement is made of all of the relevant surfaces.

17
18 Applicant respectfully submits that for a claim to be rejected
19 for a lack of novelty under 35 U.S.C. §102(b), the reference must
20 disclose each and every limitation recited in the rejected claim
21 (or claims). As stated in MPEP §2131:

22 "A claim is anticipated only if each and every element as set
23 forth in the claim is found, either expressly or inherently
24 described in a single prior art reference. *Verdegaal Bros. v.*
25 *Union Oil Co. of California*, 814 F2nd 628, 631, 2 USPQ 2nd 1051,
26

1 1053, (Fed. Cir. 1987) states: "The identical invention must
2 be shown in as complete detail as contained in the... claim."
3 *Richardson V. Suzuki Motor Co.*, 868 F2nd, 1226, 1236, 9 USPQ
4 2nd, 1913, 1920 (Fed. Cir. 1989) states: "The elements must be
5 arranged as required by the claim..."

6 Applicant respectfully traverses the rejection under 35 U.S.C.
7 102(b) of Claims 1 and 2 as anticipated by the Fogle patent
8 5,463,815 (RE36940) as being improper. Contrary to the Examiner's
9 position that all of the elements of these claims (particularly,
10 independent Claim 1) are disclosed in the Fogle reference, Fogle
11 does not disclose or suggest an elongated filament member having a
12 cross section throughout the length thereof with a thickness which
13 is less than the width thereof. Since this claimed feature is
14 entirely lacking in Fogle, the rejection under 35 U.S.C. §102(b) of
15 independent Claim 1 and dependent Claim 2 is unsupported and should
16 be withdrawn.

17
18 Claims 3,4,8 and 13 to 15 have been rejected under 35
19 U.S.C. §103(a) as unpatentable over Fogle 5,463,815 in view of the
20 Walsh publication discussed above. All of these claims are
21 dependent, either directly or through one another, upon Claim 1.
22 Although not specifically mentioned as being rejected, the
23 Examiner's discussion of the rejection under 35 U.S.C. §103(a) also
24 refers to Claims 9 and 10. Claim 9 is an independent Claim and
25 Claim 10 is dependent upon this claim. Consequently, Claims 9 and
26

1 10 are being considered as rejected under 35 U.S.C. §103(a) over
2 the same combination of Fogle and Walsh.

3 Independent Claim 9, as well as Claim 1 discussed above,
4 recites, among various features, that the elongated filament member
5 has a cross section throughout the length thereof with a thickness
6 which is less than the width thereof. As mentioned above, the
7 Fogle patent does not include any comparable width and thickness
8 relationship. The width and thickness of all of the embodiments of
9 Fogle which involve a central square cross section are the same.
10 Consequently, a basic feature of these claims, the only two
11 independent claims under rejection here, is not present in and is
12 not suggested by Fogle; nor is it suggested in the Walsh reference,
13 which is directed to an entirely different type of string trimmer
14 configuration.
15

16 The Examiner's position is that Fogle teaches the invention
17 substantially as claimed, except for the material of the filament.
18 The Examiner then has taken the position that Walsh discloses high
19 molecular weight oriented plastic to make the filament. Reference
20 was made to paragraphs 0002 and 0007 of Walsh. Applicant
21 respectfully submits that neither of these paragraphs make any
22 mention whatsoever of the molecular weight of the plastic, nor are
23 they directed to its orientation. Reference is made in other
24 portions of Walsh to high density polyethylene.
25

26 Even if one were to somehow assume that Walsh could be

LAW OFFICE OF
LAVALLE D. PTAK
28435 N. 42ND ST., STE. B
CAVE CREEK, ARIZONA 85331
(480) 419-9019

1 combined with Fogle, the fatal shortcoming of Fogle to provide the
2 structural relationship which is specifically recited in Claims 1
3 and 9 continues to exist. Walsh does not provide any teaching of
4 this structural relationship of a filament member having a cross
5 section throughout its length with a thickness which is less than
6 the width, among other recitations of the structure of these two
7 independent claims. If the combination made by the Examiner could
8 be considered to be a valid combination, the resultant combination
9 still fails completely to render obvious applicant's claims, since
10 the combination does not result in a structure which is
11 specifically recited in the two independent Claims 1 and 9
12 currently under rejection. As a consequence, applicant
13 respectfully submits that the rejection of Claims 3,4,8,9,10 and 13
14 to 15 is improper and must be withdrawn.

16 In view of the foregoing, applicant respectfully submits that
17 all of the rejected claims are allowable. Claims 1 and 9, the two
18 independent claims under rejection, are considered to be allowable.
19 Therefore, applicant respectfully submits that withdrawn dependent
20 Claims 5 to 7, 11,12, and 16 to 21 also are allowable, in view of
21 the allowability of the independent claims upon which these claims
22 are dependent. Consequently, applicant respectfully requests
23 allowance of all of Claims 1 to 21; and a formal Notice of
24 Allowance of Claims 1 to 21 is respectfully solicited.
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LAW OFFICE OF
LaVALLE D. PTAK
28435 N. 42ND ST., STE. B
CAVE CREEK, ARIZONA 85331
(480) 419-9019

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Respectfully submitted,



LaValle D. Ptak
Registration No. 19,877
LAW OFFICES OF LAVALLE D. PTAK
28435 N. 42ND Street
Cave Creek, AZ 85331
Telephone: (480) 419-9019

Date: _____

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